

ATTACHMENT A

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**From:** DeGroot, Jessa <jdegroote@cgsh.com>  
**Sent:** Tuesday, November 13, 2018 12:27 PM  
**To:** Mattera, Marshall J.  
**Cc:** Moloney, Thomas J.; Ponto, Geraldine E.; Wasick, Joanna F.  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

The terms of this proposal are not acceptable. If you plan to call the Court to ask for a ruling, please let me know when you plan to call so that I can be on the line as well.

Best,  
Jessa

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**Jessa DeGroot**  
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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Monday, November 12, 2018 3:44 PM  
**To:** DeGroot, Jessa <jdegroote@cgsh.com>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

Your proposal does not reflect the relative merits of our positions as outlined in the moving and response papers and at oral argument, and, more importantly, does not reflect Judge Bernstein's comments from the bench on the merits of the Trustee's motion. In a continuing effort to reach agreement, we have modified your counterproposal. In addition to striking Topic 6, we will narrow examination relating to Topics 1-5 and 7-16 in the Letter of Request to the topics that Judge Bernstein indicated he was inclined to allow, which were (i) communications with Messrs. Ceretti and Grosso about BLMIS, and communications relating to the Kingate Funds and their agents; (ii) HSBC's warning about the Kingate Funds, Ceretti's and Grosso's response, and HSBC's subsequent backing off of the warning; (iii) Mr. Perry's knowledge that may be imputed to the Kingate Funds; (iv) the transfers from BLMIS to the Kingate Funds via their HSBC bank accounts; and (v) the authentication of documents.

To avoid any further delay and dispute, a condition of this compromise is that neither HSBC nor Mr. Perry will raise any further objections to the examination going forward, as compromised, in Bermuda. Given that time is of the essence in concluding fact discovery in this proceeding, please let us know by noon tomorrow if our latest proposal above is acceptable. While we have tried in earnest to reach agreement with you, if this proposal is unacceptable, we will ask the Court for a ruling.

Thank you.

**Marshall Mattera**  
Associate

**BakerHostetler**

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**From:** DeGroote, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Sent:** Monday, November 12, 2018 10:15 AM  
**To:** Mattera, Marshall J. <[mmattera@bakerlaw.com](mailto:mmattera@bakerlaw.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

On the understanding that you are seeking to depose Mr. Perry based on his personal recollection in his personal capacity, not as a representative of HSBC Bank Bermuda, and that you will continue to seek to compel Mr. Perry's testimony in Bermuda, we are willing to compromise on our relevance objections to your Letter of Request if you will: (a) narrow the Letter of Request to the topics that Judge Bernstein indicated he was inclined to allow, which were: (i) the communications with Ceretti and Grosso about BLMIS, including Mr. Perry's knowledge of any communication by a person from HSBC Monaco with Ceretti, and (ii) the specific amount of the transfers from BLMIS to the Kingate Funds' HSBC Bank Bermuda account, including the authentication of documents; and (b) provide copies of any documents you intend to show to Mr. Perry in his examination.

Accordingly, our proposal is to narrow the request to the following topics:

Topics 9 & 11: Any knowledge Mr. Perry has regarding communications between HSBC Bank Bermuda and the Kingate Funds, or its agents, about BLMIS

Complaint ¶ 225: Any knowledge Mr. Perry has regarding a conversation between a HSBC Monaco employee and Mr. Ceretti

Complaint ¶¶ 247-252: Any knowledge Mr. Perry has regarding the initial transfers from BLMIS to the Kingate Funds, including through the authentication of documents to the extent that Mr. Perry is able to do so.

Finally, this agreement would be without prejudice to HSBC Bank Bermuda and Mr. Perry's rights in Bermuda.

Please let us know if you are amenable to the above compromise, and to provide documents in advance of the examination, and we will draft a formal stipulation.

Best,  
Jessa

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**Jessa DeGroote**

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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Thursday, November 8, 2018 2:07 PM  
**To:** DeGrootte, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

Our preference has been to try to resolve this consensually on reasonable terms, if possible, but we have upcoming the close of fact discovery at the end of this month. You have had the motion and letter of request for over a month, and it has now been over a week since the hearing on the motion before the Court. Please send us any proposal you have by noon tomorrow.

Thank you.

**Marshall Mattera**  
Associate

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**From:** DeGrootte, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Sent:** Thursday, November 08, 2018 10:44 AM  
**To:** Mattera, Marshall J. <[mmattera@bakerlaw.com](mailto:mmattera@bakerlaw.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

We are discussing with our client and expect to get back to you by Monday.

Best,  
Jessa

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**Jessa DeGrootte**  
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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Thursday, November 8, 2018 9:50 AM  
**To:** DeGroot, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

I'm following up on the below. Please call me if you would like to discuss.

Thank you.

Marshall

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**From:** Mattera, Marshall J.  
**Sent:** Wednesday, November 07, 2018 9:34 AM  
**To:** 'DeGroot, Jessa' <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

When can we expect your proposal?

Thank you.

Marshall

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**From:** DeGroot, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Sent:** Tuesday, November 06, 2018 12:38 PM  
**To:** Mattera, Marshall J. <[mmattera@bakerlaw.com](mailto:mmattera@bakerlaw.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

We are willing to compromise on reasonable terms, and we will get back to you with a proposal.

Best,  
Jessa

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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Monday, November 5, 2018 11:08 AM  
**To:** DeGrootte, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>; Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

Thank you for your response. Would any compromise be acceptable to you in lieu of a ruling by the Court? Please let us know. If yes, please send a proposal for our consideration.

Thank you.

**Marshall Mattera**  
Associate

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**From:** DeGrootte, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Sent:** Monday, November 05, 2018 10:16 AM  
**To:** Mattera, Marshall J. <[mmattera@bakerlaw.com](mailto:mmattera@bakerlaw.com)>  
**Cc:** Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>; Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

Thank you for taking the time to speak with me on Friday. We have considered the proposal you made but do not think that simply striking the sixth request is sufficient in light of the Court's statements regarding the requests.

Best,  
Jessa

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**Jessa DeGrootte**  
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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Friday, November 2, 2018 3:30 PM  
**To:** DeGroot, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>; Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Will do. Thank you.

Marshall

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**From:** DeGroot, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Sent:** Friday, November 02, 2018 3:25 PM  
**To:** Mattera, Marshall J. <[mmattera@bakerlaw.com](mailto:mmattera@bakerlaw.com)>  
**Cc:** Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>; Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Marshall,

I am available at 4 this afternoon, please feel free to give me a call then.

Best,  
Jessa

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**Jessa DeGroot**

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**From:** Mattera, Marshall J. [<mailto:mmattera@bakerlaw.com>]  
**Sent:** Friday, November 2, 2018 3:18 PM  
**To:** DeGroot, Jessa <[jdegroote@cgsh.com](mailto:jdegroote@cgsh.com)>  
**Cc:** Ponto, Geraldine E. <[gponto@bakerlaw.com](mailto:gponto@bakerlaw.com)>; Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>; Moloney, Thomas J. <[tmoloney@cgsh.com](mailto:tmoloney@cgsh.com)>  
**Subject:** RE: Picard v. Ceretti, et. al., Adv. Pro. No. 09-01161 (SMB) - Craig Perry Letter of Request

Jessa,

Are you available for a call this afternoon regarding the hearing on Wednesday? Would 3:45 work?

Thank you.

**Marshall Mattera**  
Associate

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